

MAY 27 2005

SIEBERTH & PATTY, L.L.C.

patent attorneys

John F. Sieberth*
R. Andrew Patty II*
Mary H. Drabnis, Ph.D.*
Brenda C. Harvey*

*Member of Michigan bar. Restricts practice to patent law.
*Member of Louisiana and North Carolina bars.
*Member of Louisiana bar.
All attorneys are registered before the U.S. Patent and Trademark Office.

general email: mail@patentcounsel.com
website: www.patentcounsel.com

Baton Rouge:
4703 Bluebonnet Boulevard
Baton Rouge, Louisiana 70809
phone: 225.291.4600
facsimile: 225.291.4606

New Orleans:
650 Poydras Street
Suite 1400
New Orleans, LA 70130
phone: 504.299.3455
facsimile: 504.299.3411

CONFIDENTIAL

The information contained in this facsimile is **Privileged and Confidential** information intended for the use of the addressee listed below. If you are neither the intended recipient nor the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the content of this telecopied information is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (225) 291-4600 to arrange for return of the original documents to us.

DATE: May 27, 2005

To: Examiner: Vanel Frenel
USPTO Art Unit 3626

Via Fax No.: 1-703-872-9306

From: R. Andrew Patty II

(Page 1 of 10)

Re: Response U.S. Patent
Application No. 10/636,125

Our ref. no.: S-0816
Your ref. no.: 10/636,125

Message: Please see the attached documents for filing in the above referenced application.

Recipient: Please sign and date below and return this page to us by facsimile to acknowledge safe receipt of this transmission. If there are any difficulties please advise. Thank you.

Signed: _____ Dated: _____

RECEIVED
MAY 31 2005
DIPE/CCRS

Appl. No. 10/636,125
Attny. Docket No. S-0816

MAY 27 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: ROBERT B. PHELPS

APPLN. NO.: 10/636,125

FILED: AUGUST 7, 2003

**METHOD OF ENHANCING VALUE OF PENSION
PLAN ASSETS**

ART UNIT: 3626

**EXAMINER:
FRENEL, VANEL**

**CONFIRMATION NO: 1568
CUSTOMER NO.: 2071**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action mailed in the above application on December 27, 2004. Applicant respectfully requests reconsideration of this application in view of the following remarks. A petition for a 2-month extension of time and the requisite fee authorization are filed herewith.

I. Rejection under 35 U.S.C. § 101

Claims 1-21 are in the case. The Examiner's indication that the present invention produces a useful, concrete, and tangible result is noted with sincere appreciation.

Notwithstanding this indication of a useful, concrete and tangible result, the claims stand initially rejected under 35 U.S.C. § 101, as directed to allegedly non-statutory subject matter. This rejection is based solely upon (i) the wholly unsupported assumption that statutory subject matter under section 101 must fall within the so-called "technological" arts, and (2) the wholly unsupported assertion that the presently claimed invention, although admittedly one which produces a useful, concrete and tangible result, is not within the so-called "technological" arts.

This rejection is respectfully traversed.